HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.16574 of 1999

Date: 13-07-2006

Between :

Jinkala Kotaiah and another.

… Petitioner/s

and

The Principal Secretary,
Irrigation (CAD) Department,
Secretariat, Hyderabad and others.

…Respondent/s

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O R D E R :

This writ petition is filed seeking mandamus directing the respondents to reconvey the land in an extent of Ac.2.35 gts. situated in Sy.No.284/1 of Burhanpuram, Khammam Urban Mandal, Khammam District, to the petitioners on par with the similarly situated persons by considering their representation dated 9-7-1999 and further direct the respondents to protect the land in question without alienating to others by holding that the inaction of the respondents would amount to illegal, arbitrary and discrimination.

It seems the lands of the petitioners were acquired for the purpose of Nagarjuna Sagar Left canal and an Award No.13 of 1969, dated 14-2-1970 was passed for payment of compensation. Thereafter compensation was paid, possession of the land was also taken over. However, since the entire land could not be put to use, the land in question to an extent of Ac.2.35 gts. in Sy.No.84/1 of Burhanpuram, Khammam Urban Mandal, Khammam District, was allotted to the Revenue Department, vide Collector, Khammam, ref.No.B1-9873/98, dated 9-3-1999 for issue of house site pattas to the weaker section people. In view of the above, the said land has been taken over from the N.S.P. Department on 24-3-1999 after conducting a panchnama to utilize the same for house site pattas to the weaker sections. In fact, the pattas have already been issued to as many as 104 people belonging to the weaker sections of the society.

The learned Government Pleader for Irrigation submits that the writ petition has become infructuous. Apart from that the question of reconveying the land acquired by the Government cannot be claimed as a matter of right, as per the judgment reported in **Government of A.P. v. Syed Akbar**[1].

In view of the fact that the lands have already been distributed among the weaker sections of the society, as per the directions of the District Collector, the petitioners are not entitled for reconveyance of the land on par with the persons mentioned at para-7 of the writ affidavit. May be, some people were allotted and reconveyed with their lands, since they were found to be in excess. But in this case, the land has already been allotted to the Revenue Department for being distributed among the weaker sections of the society and the land has already been distributed to the weaker sections.

Further, as submitted by the learned Government Pleader, as per the decision rendered in **Syed Akbar**'s case (supra), reconveyance of the land acquired under the Land Acquisition Act to the land owners is not a matter of right.

In that view of the matter, the writ petition is devoid of merits and accordingly dismissed. No order as to costs.

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(C.V. RAMULU, J)

13-07-2006.
Msr.

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(Msr)

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[1] 2005 (1) ALT 36 (SC)